

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROOFERS LOCAL NO. 30 COMBINED	:	
PENSION FUND, BOARD OF TRUSTEES,	:	
ROOFERS LOCAL NO. 30 COMBINED	:	
PENSION FUND	:	CIVIL ACTION
7000 North Broadway, Suite 106	:	
Denver, CO 80221,	:	NO. 09-CV-1445-RK
and	:	
MICHAEL O'MALLEY, in his fiduciary capacity	:	
6447 Torresdale Avenue	:	
Philadelphia, PA 19135	:	
Plaintiffs	:	
v.	:	
D.A. NOLT, INC.	:	
53 Cross Keys Road	:	
Berlin, NJ 08009,	:	
Defendant	:	

CERTIFICATION OF MARK J. LEAVY, ESQUIRE

I, Mark J. Leavy, Esquire, hereby certify as follows:

1. I am an associate at the law firm Cohen, Seglias, Pallas, Greenhall & Furman, P.C., which represents Defendant D.A. Nolt, Inc. ("Nolt") the above captioned matter.
2. Cohen, Seglias, Pallas, Greenhall & Furman, P.C. also represented Nolt in connection with prior litigation commenced by Roofers Local No. 30 Combined Pension Fund and Local Union No. 30, as Plaintiffs, in the Federal District Court for the Eastern District of Pennsylvania, Civil Action No. 01-cv-05344-RK (the "ERISA Action").
3. The ERISA Action was commenced on October 22, 2001 and was concluded on July 29, 2008 by a Memorandum Opinion and Order by the Honorable Robert F. Kelly, Sr., U.S.D.J., granting summary judgment and dismissing all claims and counterclaims.

4. Attached hereto as Exhibit "A" is a true and accurate copy of the docket in the ERISA Action downloaded and printed from PACER.

5. Attached hereto as Exhibit "B" is a true and accurate copy of the Complaint filed by Plaintiffs Roofers Local No. 30 Combined Pension Fund and Local Union No. 30 ("Plaintiffs") in the ERISA Action.

6. Attached hereto as Exhibit "C" is a true and accurate copy of the Plaintiffs' Motion for Summary Judgment in the ERISA Action. Paragraph Four (4) therein addresses the Plaintiff Roofers Local No. 30 Combined Pension Fund's abandonment of any claim for pension fund contributions from Nolt in connection with the facts at issue in the ERISA Action.

7. Attached hereto as Exhibit "D" is a true and accurate copy of an excerpt of the Plaintiffs' Response Brief in the summary judgment proceedings in the ERISA Action. The final paragraph on page 3 of the excerpted document addresses the Plaintiff Roofers Local No. 30 Combined Pension Fund's abandonment of its claim for pension fund contributions from Nolt.

8. Attached hereto as Exhibit "E" is a true and accurate copy of the Memorandum Opinion and Order by the Honorable Robert F. Kelly, Sr., U.S.D.J., dismissing all claims and counterclaims in the ERISA Action, with prejudice, by summary judgment.

9. I certify that the foregoing statements made by me are true to the best of my knowledge, and that if any of these statements are willfully false, I am subject to punishment.

**COHEN, SEGLIAS, PALLAS,
GREENHALL & FURMAN, P.C.**

s/ Mark J. Leavy
MARK J. LEAVY, ESQUIRE
United Plaza, 19th Floor
30 South 17th Street
Philadelphia, PA 19103
(215) 564-1700
Attorneys for Defendant, D.A. Nolt, Inc.

DATED: December 23, 2009